

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-07 NASA-01 ERDA-05 OES-06 SAJ-01 /092 W

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R 051805Z MAY 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8634

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION USBERLIN

USMISSION NATO BRUSSELS

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 BONN 07591

E.O. 11652: GDS

TAGS: PGOV, PFOR, GW, WB, US, UK, FR, UR

SUBJECT: SOVIET PROTEST AGAINST EXTENSION TO BERLIN
OF SPACE OBJECTS CONVENTION

REF: (A) STATE 77649; (B) STATE 62022

SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT ON
TEXT OF REPLY TO SUBJECT SOVIET PROTEST. REQUEST
DEPARTMENT APPROVAL. END SUMMARY

1. FOLLOWING IS BONN GROUP AD REF TEXT FOR REPLY TO
SOVIET PROTEST. BEGIN TEXT:

A. THE DEPARTMENT OF STATE OF THE USA, WITH
REFERENCE TO THE COMMUNICATION FROM THE EMBASSY OF THE
USSR CIRCULATED UNDER COVER OF ITS NOTE NO. BLANK OF
FEB. 4, 1976, REGARDING THE EXTENSION TO THE WESTERN
SECTORS OF BERLIN OF THE CONVENTION ON INTERNATIONAL
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LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS, HAS THE

HONOR FOLLOWING CONSULTATIONS BETWEEN THE GOVERNMENTS
OF THE USA, FRANCE, AND THE UK TO STATE THE FOLLOWING
ON BEHALF OF ALL THREE GOVERNMENTS:

B. IN A COMMUNICATION TO THE GOVERNMENT OF THE
USSR WHICH IS AN INTEGRAL PART (ANNEX IV A) OF THE
QUADRIpartite AGREEMENT OF SEPTEMBER 3, 1971, THE THREE
POWERS CONFIRMED THAT, PROVIDED MATTERS OF SECURITY AND
STATUS ARE NOT AFFECTED AND PROVIDED THE EXTENSION IS
SPECIFIED IN EACH CASE, INTERNATIONAL AGREEMENTS AND
ARRANGEMENTS ENTERED INTO BY THE FEDERAL REPUBLIC OF
GERMANY MAY BE EXTENDED TO THE WESTERN SECTORS OF
BERLIN IN ACCORDANCE WITH ESTABLISHED PROCEDURES. FOR
ITS PART, THE GOVERNMENT OF THE USSR, IN A COMMUNICATION
TO THE GOVERNMENTS OF THE THREE POWERS, WHICH IS
SIMILARLY AN INTEGRAL PART (ANNEX IV B) OF THE QUADRI-
partite AGREEMENT OF SEPTEMBER 3, 1971, AFFIRMED THAT
IT WOULD RAISE NO OBJECTION TO SUCH EXTENSION.

C. THE ESTABLISHED PROCEDURES REFERRED TO ABOVE,
WHICH WERE ENDORSED IN THE QUADRIpartite AGREEMENT,
ARE DESIGNED, INTER ALIA, TO AFFORD THE AUTHORITIES OF
THE THREE POWERS THE OPPORTUNITY TO ENSURE THAT THE
TREATIES CONCLUDED BY THE FEDERAL REPUBLIC OF GERMANY
WHICH ARE TO BE EXTENDED TO THE WESTERN SECTORS OF
BERLIN ARE EXTENDED IN SUCH A WAY THAT MATTERS OF
SECURITY AND STATUS ARE NOT AFFECTED. WHEN THEY AGREED
TO THE EXTENSION OF THE CONVENTION ON INTERNATIONAL
LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS TO THE WSB,
THE THREE POWERS, ACTING IN THE EXERCISE OF THEIR
SUPREME AUTHORITY, ENSURED THAT THIS CONVENTION WOULD
BE APPLIED IN THE WSB IN SUCH A WAY AS NOT TO AFFECT

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FM AMEMBASSY BONN
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INFO AMEMBASSY BERLIN
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USMISSION NATO BRUSSELS
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C O N F I D E N T I A L SECTION 02 OF 02 BONN 07591

MATTERS OF SECURITY AND STATUS.

D. CONSEQUENTLY, PURSUANT TO THE DECLARATION ON
BERLIN MADE BY THE FRG, THIS CONVENTION HAS BEEN
VALIDLY EXTENDED TO THE WSB.

E. (WORDS TO EFFECT THAT THIS NOTE HAS RECEIVED
SAME CIRCULATION AS THE SOVIET NOTE; FOR DRAFTING BY
STATE DEPARTMENT.) END TEXT

2. THIS DRAFT FOLLOWS PATTERN OF ALLIED REPLY TO
SOVIET PROTEST ON NPT WITH TWO EXCEPTIONS:

-- A) PARAGRAPH C WAS ALTERED FROM ITS EARLIER
EQUIVALENT BECAUSE THE AK IN AGREEING TO THE
EXTENSION OF THE CONVENTION MADE NO SPECIFIC RESERVA-
TIONS BUT RELIED ON ALREADY-EXISTING GENERAL RESERVA-
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TIONS; AND

-- B) PARAGRAPH D WAS ALTERED AT BRITISH INSIST-
ENCE FROM ITS EARLIER EQUIVALENT AS A WAY OF IMPLICITLY
REJECTING THE SOVIET ASSERTION THAT THE USSR WILL LOOK
TO THE ALLIES ON IMPLEMENTATION OF THE CONVENTION IN
BERLIN, BUT WITHOUT GETTING INTO A DISCUSSION OF CASES
IN WHICH THE ALLIES WOULD EXERCISE THEIR RESERVATIONS
AND ASSUME RESPONSIBILITY.

3. ACTION REQUESTED: DEPARTMENT'S APPROVAL OF TEXT.
HILLENBRAND

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